IN THE HIGH COURT OF UTTARKHAND AT NAINITAL

C-482 No. 348 of 2005

Baisakhi Ram ……..Applicant.

Versus

State of Uttaranchal and others. …..Respondents.

Present: Mr. Vinod Sharma, Advocate for the applicant.
Mr. Nandan Arya, AGA for the State of Uttarakhand/respondent no. 1.

Date of Decision : 16 .9.2010

Hon'ble Sudhanshu Dhulia, J (Oral)

1. Heard Mr. Vinod Sharma, Advocate for the applicant and Mr. Nandan Arya, AGA for the State of Uttarakhand/respondent no. 1.

2. This application under Section 482 of Cr.P.C. has been filed by the applicants challenging the order dated 21.3.2005 passed by the Judicial Magistrate in Criminal Case No. 380 of 2003 State Vs. Baisakhi Ram and others.

3. Perused the order dated 21.3.2005. There is no procedural anomaly of the court below in disposing of the application.

4. The main contention of the learned counsel for the applicant is that order dated 21.3.2005 has been passed in violation of Section 210 of Cr.P.C. and the order dated 9.3.1999 passed by the High Court of Judicature at Allahabad. In the order dated 9.3.1999 the High Court merely directed the Court below to move in accordance with Section 210. Apparently there seems to be no anomaly in the order dated 21.3.2005 passed by the learned Judicial Magistrate. All the same, before the matter could be adjudicated on its merits, the counsel for the applicant Sri Vinod Sharma, has made a statement at the bar that he wants to withdraw the petition.

5. In view of the above statement, the instant C-482 application is dismissed as withdrawn.

6. No order as to costs.

7. Interim order dated 8.6.2005 is also vacated.

8. The Registry is directed to send a copy of this order to the Court concerned for necessary compliance.

(Sudhanshu Dhulia, J)
16.9.2010

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